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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,630	12/24/1999	GLEN SONNENBERG	NA99-01001	7746

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EXAMINER
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JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/471,630

Applicant(s)

SONNENBERG, GLEN

Examiner

Jenise E. Jackson

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 8-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 7, 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ji et al(5,889,943).
3. As per claims 1, 17, Ji discloses method of scanning a communication received at a firewall(i.e. proxy) for target content(see col. 3, lines 42-54), wherein the communication is directed to one of a set of computer nodes connected to the firewall(see col. 3, lines 42-54, col. 4, lines 10-16), maintaining on the firewall a scanning module configured to scan communications received at the firewall(see col. 8, lines 63-67, col. 9, lines 1-18); maintaining a set of criteria for determining when one of the communications may be scanned at a computer node connected to the firewall instead of at the firewall(see col. 9, lines 1-18); partitioning responsibility for scanning the communications between the firewall and a first computer node connected to the firewall(see col. 9, lines 1-25); receiving a first communication is intended for the first computer node(see col. 10, lines 26-30); identifying one or more attributes of the first communication(see col. 10, lines 26-30); determining from the criteria and the attributes whether to scan and the first communication for target content on the firewall(see col. 8, lines 63-67, col. 9, lines 1-18); determining from the criteria and the attributes whether the first computer node is configured to

Art Unit: 2131

scan the first communication for the target content(see col. 8, lines 63-67, col. 9, lines 1-18); and forwarding the first communication to the first computer node; wherein the first computer node receives and scans the communication for target content(see col. 9, lines 1-18).

4. As per claim 2, Ji et al. discloses receiving a second communication at the firewall, wherein the second communication is intended for a second computer node(see col. 10, lines 56-64); identifying one or more attributes of the second communication(see col. 18, lines 32-54; determining from the criteria and the attributes of the second communication whether the second computer node is permitted to scan the second communication for predetermined content(see col. 18, lines 32-67); scanning the second communication at the firewall for the predetermined content; and forwarding the second communication to the second computer node; wherein the second computer node receives but does not scan the second communication for the predetermined content(see col. 18, lines 32-67, col. 19, lines 40-67).

5. As per claim 7, limitations have already been addressed(see claims 1-2). Further, claim 7, is rejected for a virus scanner(see col. 9, lines 18-25).

6. As per claim 18, Ji discloses a first indicator configured to indicate whether a first communication scanning module is installed on a firewall(see col. 8, lines 18-30); a second indicator configured to indicate whether a second communication scanning module is installed on a destination node a communication received at the firewall(see col. 8, lines 18-48); and a set of criteria to be applied to the communication to determine if the communication is to be scanned for target content at the firewall or at the destination node(see col. 8, lines 18-30), wherein the second indicator and the set of criteria are configured during a negotiation process between the firewall and the destination node(see col. 17, lines 34-52).

7. As per claim 19, Ji discloses a firewall configured to receive a communication from an external entity for a first node connected to the firewall(see col. 3, lines 42-54, col. 4, lines 1-16), a first proxy module configured to establish a connection to the external entity(see col. 3, lines 42-54, col. 4, lines 1-16); a first scanning module configured to scan the communication for target content(see col. 8, lines 63-67, col. 9, lines 1-18); and a set of rules configured to determine whether the communication is to be scanned for the target content on the firewall or on the first node(see col. 9, lines 1-18); and a first computer node connected to the firewall includes a second scanning modules(see col. 9, lines 1-18), wherein the first computer node negotiates with the firewall to configure a first subset of the rules to identify when the first computer node shall scan the communication rather than the firewall(see col. 9, lines 1-25); wherein a measurement of performance of the firewall is increased as a result of the first node scanning one or more communications rather than the firewall(see col. 9, lines 1-18, col. 8, lines 63-67).

8. As per claim 20, Ji discloses includes a negotiation module to negotiate with the firewall on behalf of multiple scanning modules, including the second scanning module(see col. 9, lines 1-25).

9. As per claim 21, Ji discloses wherein the firewall includes a negotiation module to negotiate with the first node on behalf of multiple proxies, including the first proxy module(see col. 8, lines 63-67, col. 9, lines 1-18).

10. As per claim 22, Ji discloses a first set of criteria to be applied for all nodes connected to the firewall and all communications received at the firewall to determine if a first communication received at the firewall for a first destination node connected to the firewall may be scanned for

Art Unit: 2131

target content by the first destination node rather than the firewall(see col. 3, lines 42-54, col. 4, lines 10-16, col. 9, lines 1-25); and a second set of criteria to be applied for a subset of all communications to determine if the first communication may be scanned for the target content by the second destination node rather than the firewall(see col. 8, lines 63-67, col. 9, lines 1-25); wherein the second set of criteria are applied by the first proxy module and the subset of all communications includes communications formatted according to a predetermined communication protocol; and wherein the first set of criteria is applied prior to the second set of criteria(see col. 3, lines 42-54, col. 4, lines 10-16, col. 9, lines 1-25).

11. As per claims 3-6, 8-16 are objected to as being rejected on base claims. Prior art in networking nor security discloses specifying a set of criteria to identify when a communication may be scanned for target content by the first computer node, and also consulting the operator to determine the scanning requirements. Prior art discloses that a node communicates with the firewall, and tells the firewall to only forward certain data; however, the data that is transmitted is already scanned prior to being forwarded to the user. An example of prior art that does not teach the claims above is Segal. Segal discloses that a node communicates with the firewall, and tells the firewall to only forward certain data; however, the data that is transmitted is already scanned prior to being forwarded to the user.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

Art Unit: 2131

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 28, 2005



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